

SUPREME COURT OF ARIZONA

STATE OF ARIZONA, ex rel. MARK	)	Arizona Supreme Court
BRNOVICH, Attorney General,	)	No. CV-16-0301-SA
	)	
Petitioner,	)	
	)	
v.	)	
	)	
CITY OF TUCSON, Arizona,	)	
	)	
Respondent,	)	
	)	
JEFF DeWIT, in his official	)	<b>FILED 01/18/2017</b>
capacity as State Treasurer,	)	
	)	
Nominal Respondent.	)	
	)	
	)	

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**O R D E R**

On the Court's own motion,

**IT IS ORDERED** oral argument in this matter will be held at 10:45 a.m. on February 28, 2017, at the ASU Sandra Day O'Connor College of Law. The parties may submit supplemental briefs, not to exceed 30 pages, by February 15, 2017, addressing these issues:

(1) Is the Court's jurisdiction under A.R.S. § 41-194.01(B) mandatory or discretionary and, if the latter, should the Court accept jurisdiction?

(2) Do either A.R.S. §§ 41-194.01(A) or (B) (2) violate Arizona's Constitution?

(3) Are the bond provisions of A.R.S. § 41-194.01(B) (2) mandatory or discretionary?

(4) Are the provisions of A.R.S. § 41-194.01 severable?

(5) Under Article XIII, section 2, of the Arizona Constitution, does Tucson City Code § 2-142 supersede inconsistent provisions in A.R.S. § 12-945(B) and § 13-3108(F)?

(6) If Tucson City Code § 2-142 does not supersede and therefore violates conflicting provisions of state law, would appropriate relief include an order instructing the State Treasurer to withhold and redistribute certain state-shared monies from the City if the City does not resolve the violation within a specified time?

**IT IS FURTHER ORDERED** the Court is deferring until after oral argument its decision whether to accept jurisdiction of the special action.

**IT IS FURTHER ORDERED** this order is without prejudice to the City of Tucson continuing to litigate its action filed in the Superior Court challenging the constitutionality of A.R.S. § 41-194.01 pending this Court's disposition of this matter.

DATED this 18th day of January, 2017.

\_\_\_\_\_/s/  
SCOTT BALES  
Chief Justice

TO:

Paul N Watkins  
Brunn W Roysden III  
Oramel H Skinner  
Evan G Daniels  
John R Heyhoe-Griffiths  
Aaron M Duell  
Richard M Rollman  
Richard A Brown  
Jeff DeWit  
Dennis I Wilenchik  
John D Wilenchik  
Paul F Eckstein  
Jean-Jacques Cabou  
Joshua M Crum  
David H Thompson  
Peter A Patterson  
John D Ohlendorf  
Michael J S Rusing  
Brad Holm  
Thomas G Stack  
Rodney Short  
Richard W Files  
adc